

MINUTES - CITY OF BEAUMONT

W.L. Pate, Jr., At-Large
Dr. Alan B. Coleman, Ward I
Audwin Samuel, Ward III
Tyrone E. Cooper, City Attorney

BECKY AMES, MAYOR
CITY COUNCIL MEETING
February 25, 2014
Kyle Hayes, City Manager

Gethrel Wright, Mayor Pro Tem
Michael D. Getz, Ward II
Jamie Smith, Ward IV
Tina Broussard, City Clerk

The City Council of the City of Beaumont, Texas, met in a regular session on **February 25, 2014**, at the City Hall Council Chambers, 801 Main Street, Beaumont, Texas, at 1:30 p.m. to consider the following:

OPENING

- * Invocation Pledge of Allegiance Roll Call
- * Presentations and Recognition
- * Public Comment: Persons may speak on scheduled agenda items 2-5/Consent Agenda
- * Consent Agenda

Mayor Ames called the council meeting to order at 1:30 p.m.

Pastor Gerald Bryant of Pilgrim Rest Baptist Church gave the invocation. Mayor Ames led the Pledge of Allegiance. Roll call was made by Tina Broussard, City Clerk.

Present at the meeting were Mayor Ames, Mayor Pro Tem Wright, Councilmembers Coleman, Getz, Pate and Samuel. Absent: Councilmember Jamie Smith. Also present were Kyle Hayes, City Manager; Tyrone Cooper, City Attorney; Tina Broussard, City Clerk.

Councilmember Smith was absent due to a medical procedure.

Proclamations, Presentations, Recognitions

"Recognition for Ron Wesbrooks" - February 25, 2014 - Proclamation read by Councilmember Getz; accepted by Ron Wesbrooks, his wife and members of the Tennis Association

Public Comment: Persons may speak on scheduled agenda items 2-5/Consent Agenda.

None

CONSENT AGENDA

- * Approval of minutes - February 18, 2014
- * Confirmation of committee appointments – **Resolution 14 - 040**

Molly J. Dahm, PhD would be reappointed to the Convention and Tourism Advisory Board. The current term would expire October 23, 2014. (Councilmember Audwin M. Samuel)

- A) Approve a resolution approving the award of a contract for Workers Compensation Claims Administration to Abercrombie, Simmons and Gillette (AS&G) of Houston – **Resolution 14 – 041**
- B) Approve a resolution approving the award of a contract for property insurance broker to Higginbotham dba Talon Insurance Agency of Nederland – **Resolution 14 - 042**
- C) Approve a resolution approving the award of a contract for real estate broker services to NAI Wheeler of Beaumont – **Resolution 14 - 043**
- D) Approve a resolution approving a change order to the contract with Brystar Contracting, Inc., related to the Wastewater Treatment Plant Holding Pond Project and Dredging of Ponds 1 and 2 Project – **Resolution 14 - 044**
- E) Approve a resolution authorizing the City Manager to execute all documents necessary, specifically including a MOU between the 842nd Transportation Battalion and the Beaumont Police Department – **Resolution 14 - 045**
- F) Approve a resolution authorizing the City Manager to execute all documents necessary, specifically including a contract, in order for the Southeast Texas Auto Theft Task Force (City of Beaumont) to transfer a vehicle title to the City of Port Arthur Police Department **Resolution 14 – 046**
- G) Approve a resolution authorizing the acceptance of a ten foot wide Exclusive Water Line Easement for the construction and expansion of a building at 410 IH 10 South – **Resolution 14 - 047**
- H) Approve a resolution authorizing the acceptance of a ten foot wide Non-Exclusive Water Line Easement, described as being a 948.42 sq foot acre tract out of the J. W. Bullock League, Abstract No. 7, for the construction of a new building located at 4925 West Cardinal Drive – **Resolution 14 - 048**
- I) Approve a resolution authorizing the acceptance of a ten foot wide Non-Exclusive Water Line Easement, described as being a 4709.59 sq foot acre tract out of the J. W. Bullock League, Abstract No. 7, for the construction of a new building located at 4925 West Cardinal Drive – **Resolution 14 - 049**

Councilmember Coleman moved to approve the Consent Agenda. Councilmember Pate seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM WRIGHT, COUNCILMEMBERS COLEMAN, GETZ, PATE AND SAMUEL

NAYS: NONE

MOTION PASSED

GENERAL BUSINESS

1. Consider an ordinance approving a specific use permit to allow a day care center and boarding kennel for dogs in a GC-MD (General Commercial-Multiple Family Dwelling) District at 6875 Eastex Freeway.

Irene Torbett has applied for a specific use permit.

The applicant states that her business, Planet Canine, will provide dog daycare, overnight stays, grooming and obedience training. Adequate measures will be taken to ensure that odors and noise are held to a minimum.

The proposed business will be located in an existing ±2310 sq. ft. building.

It should be noted that the business owner unknowingly opened without permits. Approval of this specific use permit would allow for the business to continue operation at this site, subject to all other codes and ordinances.

At a Joint Public Hearing held February 17, 2014, the Planning Commission recommended 7:0 to approve a specific use permit to allow a day care center and boarding kennel for dogs in a GC-MD District at 6875 Eastex Freeway.

Approval of ordinance.

Councilmember Coleman moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW A DAY CARE CENTER AND BOARDING KENNEL FOR DOGS IN A GC-MD (GENERAL COMMERCIAL-MULTIPLE FAMILY DWELLING) DISTRICT AT 6875 EASTEX FREEWAY IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Councilmember Getz seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM WRIGHT, COUNCILMEMBERS COLEMAN, GETZ, PATE AND SAMUEL

NAYS: NONE

MOTION PASSED

Ordinance 14 - 006

2. Consider an ordinance abandoning the alley in Block 4, Glover Anderson Addition between Avenue B and SP Road, just north of W. Lavaca Street.

Sherry S. Mack, Dependent Administrator of the Estate of William McKinley Mack, Sr., has applied for the abandonment of an alley.

The Estate is scheduled to sell the property, pending the abandonment of the alley. The alley divides the property as it consists of most of the adjoining lots , preventing it from being fenced, etc.

At a Regular Meeting held February 17, 2014, the Planning Commission recommended approval 7:0 of the abandonment.

Approval of ordinance.

Mayor Pro Tem Wright moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE VACATING AND ABANDONING AN ALLEY LOCATED IN BLOCK 4, GLOVER ANDERSON ADDITION BETWEEN AVENUE B AND SP ROAD, JUST NORTH OF W. LAVACA STREET, BEAUMONT, JEFFERSON COUNTY, TEXAS.** Councilmember Pate seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM WRIGHT, COUNCILMEMBERS COLEMAN, GETZ, PATE AND SAMUEL

NAYS: NONE

MOTION PASSED

Ordinance 14 - 007

3. Consider an ordinance denying the rate increase of Entergy Texas, Inc. filed on September 25, 2013; setting just and reasonable rates for Entergy Texas, Inc. for service within the City of Beaumont.

On September 25, 2013, Entergy Texas, Inc., (Entergy) filed a Statement of Intent with the City of Beaumont to increase electric base rates in the Entergy Service Area by \$38.6 million per year together with two new surcharges for a total increase request of \$53.1 million per year. The City Council, on October 22, 2013, suspended the effective date of the requested increase until January 28, 2014. The effective date of the increase has been further extended by agreement to March 24, 2014. The suspension was authorized and the effective date extended in order to allow the services area cities an opportunity to evaluate the requested increase.

The Steering Committee of Entergy Service Area Cities retained the Lawton Law Firm and other utility rate consultants to analyze the rate increase request. The rate consultants have determined that the request as presented is not justified and adjustments should be made. After discussions with Entergy representatives regarding the recommended adjustments, a negotiated settlement has been reached.

The proposed settlement provides for a base rate revenue increase of \$18.5 million as well as allowing for the implementation of two new surcharges. The two surcharges allow for a Rough Production Cost Equalization in an amount of \$11.4 million over a three year period. The total amount of the resulting annual increase is \$24 million, as it is proposed a typical residential customer using 1,000 kWh per month would realize a slight decrease in their current rates.

Dan Lawton, with the Lawton Law Firm, recommends the proposed settlement to the Cities for approval as a fair outcome and a reasonable estimate of the rates that may be approved had the case been appealed to the Public Utility Commission of Texas. The steering Committee of Entergy Service Area Cities have considered the proposed settlement and are also in agreement with the retained consultants that the settlement should be accepted.

Councilmember Pate moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE BY THE CITY OF BEAUMONT, TEXAS (“CITY”) DENYING THE RATE INCREASE REQUEST OF ENTERGY TEXAS, INC. FILED ON SEPTEMBER 25, 2013; SETTING JUST AND REASONABLE RATES FOR ENTERGY TEXAS, INC. FOR SERVICE WITHIN THE MUNICIPAL LIMITS PURSUANT TO A SETTLEMENT WITH ENTERGY TEXAS, INC.; REQUIRING ENTERGY TEXAS, INC. TO FILE UPDATED TARIFFS IN COMPLIANCE WITH THE APPROVED RATES; FINDING MEETING ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.** Councilmember Getz seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM WRIGHT, COUNCILMEMBERS COLEMAN, GETZ, PATE AND SAMUEL

NAYS: NONE

MOTION PASSED

Ordinance 14 – 008

4. Consider a resolution authorizing the City Manager to execute a wastewater service agreement with the City of Bevil Oaks.

The Water Utilities Department provides water and/or wastewater services to 16 industrial customers and 4,800 commercial customers. The Texas Commission on Environmental Quality, Chapter 290, Sub-Chapter D, Rules and Regulations for Public Water Systems, requires municipalities to execute water and/or wastewater service agreements with wholesalers as well as non-transient communities which have a potential to serve at least 15 residential service connections on a year-round basis or serves at least 25 residents on a year-round basis. Once service agreements are executed with such entities, they will be required by state law to monitor and report the water quality inside of their property on a monthly basis. This procedure will prevent any possible contamination of the City of Beaumont water system and protect public health.

Bevil Oaks has requested to dispose of its domestic wastewater in the City of Beaumont's sewage collection system to provide sewage services to its current and future residents. The proposed service agreement will permit the disposal of Bevil Oaks' wastewater into the City of Beaumont's sewage collection system. Bevil Oaks will acquire all necessary easements and install new sanitary sewer lines sufficient to connect Bevil Oaks to the nearest point of Beaumont's existing sewage collection system. Consequently, Bevil Oaks will be responsible for paying for "outside the City" wastewater rates as set by the most current City of Beaumont ordinance.

Approval of resolution.

Councilmember Samuel moved to **APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE A WASTEWATER SERVICE AGREEMENT WITH THE CITY OF BEVIL OAKS, LOCATED OUTSIDE THE CITY OF BEAUMONT, AS REQUIRED BY THE TEXAS COMMISSION ON ENVIROMENTAL QUALITY, CHAPTER 290, SUB-CHAPTER D, RULES AND REGULATIONS FOR PUBLIC WATER SYSTEMS.** Councilmember Pate seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM WRIGHT, COUNCILMEMBERS COLEMAN, GETZ, PATE AND SAMUEL

NAYS: NONE

MOTION PASSED

Resolution 14 - 050

5. Consider a resolution approving the naming of the North End Community Center, located at 3580 E. Lucas, in honor of Judge John Paul Davis.

The City Council discussed this item in a work session held on February 18, 2014. There was consensus among the councilmembers present at the meeting to move forward with an agenda item for consideration.

Councilmember Samuel moved to **APPROVE A RESOLUTION THAT THE CITY COUNCIL HEREBY APPROVES THE RE-NAMING OF NORTH END COMMUNITY CENTER TO JUDGE JOHN PAUL DAVIS COMMUNITY CENTER, LOCATED AT 3580 E. LUCAS.** Mayor Pro Tem Wright seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM WRIGHT, COUNCILMEMBERS COLEMAN, GETZ, PATE AND SAMUEL

NAYS: NONE

MOTION PASSED

Resolution 14 - 051

PUBLIC HEARING

* Dangerous Structures

Public comments were made by the following citizens who personally appeared and requested additional time to make repairs to their property.

Public Hearing Open: 1:59 p.m.

Kathleen Clinkscale 2280 Ave E. Beaumont TX

Item #4 2280 Avenue E & Auxiliary Building

Guiulz Mahaffey 1805 Broadway Beaumont TX

Item #6 1805 Broadway (Garage)

Michael Marshall 1194 Liberty Beaumont TX

Item #30 1194 Liberty

Colin Crabbe

1105 N. 23rd St.

Beaumont TX

Item #32 3710 W. Lynwood & Garage

Gladys Briggs Gamblin

4160 Paradise St.

Beaumont TX

Item #39 685 Royal

Larry Jackson

2007 Corley

Beaumont TX

Item #8 & 12 2007 Corley & 1192 Elgie

Public Hearing Close: 2:12 p.m.

6. Consider an ordinance declaring certain structures to be dangerous structures and ordering their removal within 10 days or authorizing the property owner to enroll the dangerous structure in a work program.

These structures have been inspected by the Building Codes Division and found to be unsafe structures as defined by the City of Beaumont's Code of Ordinances, Chapter 24, Article 24.04 Unsafe Substandard Structures, Division 1, Sec. 14.04.001 of the 2009 International Property Maintenance Code. Additionally, these structures have deteriorated to a condition that they are no longer considered suitable for repair.

City may incur the cost of demolition. Sources may include General funds and Community Development Block Grant (CDBG) funding.

Approval of ordinance.

Councilmember Samuel moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE FINDING CERTAIN STRUCTURES TO BE PUBLIC NUISANCES AND ORDERING THEIR DEMOLITION AS WELL AS TO ALLOW PROPERTY OWNERS OF ITEMS #4,6,8,12,30 AND 32, TO ENTER INTO A 150 DAY WORK PROGRAM ON THE DANGEROUS STRUCTURE LIST, ITEM #39 WAS REMOVED AND RESCHEDULED; PROVIDING FOR SEVERABILITY AND PROVIDING FOR A PENALTY.** Councilmember Coleman seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM WRIGHT, COUNCILMEMBERS COLEMAN, GETZ, PATE AND SAMUEL

NAYS: NONE

MOTION PASSED

Ordinance 14 - 009

COUNCILMEMBER COMMENTS

COUNCILMEMBER SMITH -

ABSENT

COUNCILMEMBER SAMUEL -	REMINDING EVERYONE THAT EARLY VOTING HAS STARTED, STATED THAT THIS YEAR WILL BE A LITTLE DIFFERENT, CITIZENS CAN GO TO ANY VOTING LOCATION AND CAST THEIR VOTE, THIS SHOULD ENCOURAGE MORE CITIZENS TO GET OUT AND VOTE
COUNCILMEMBER PATE -	ENCOURAGED EVERYONE TO GO OUT AND VOTE, COMMENTED ON HIS ATTENDANCE AT THE WILLIE RAY SMITH AWARDS PROGRAM, ALSO ANNOUNCED THE BEST YEARS CENTER MARDI GRAS CELEBRATION
MAYOR PRO TEM WRIGHT -	COMMENTED ON THE SKILLS USA DISTRICT 7 CONFERENCE SHE ATTENDED AT OZEN HIGH SCHOOL REPRESENTING THE MAYOR WHO WAS UNABLE TO ATTEND, CONGRATULATED LANGSTON ADAMS FOR BEING APPOINTED JUDGE OF COURT AT-LAW #3 TO FULFILL THE REMAINING TERM OF JUDGE JOHN PAUL DAVIS
COUNCILMEMBER GETZ -	THANKED THE COMMUNITY FOR THEIR GENEROSITY, A SCIENCE TEACHER AT WEST BROOK HIGH SCHOOL APPEALED TO THE COMMUNITY TO TRY TO FIND RESOURCES TO BUY SOME TEXT BOOKS FOR HIS STUDENTS, THEY APPARENTLY COULDN'T FIND THE RESOURCES WITHIN THE SCHOOL DISTRICT, OVER \$3,000.00 WAS RAISED TO FUND THE TEXT BOOKS THROUGH FACEBOOK
COUNCILMEMBER COLEMAN -	CONGRATULATED COACH RON WESTBROOKS WHO IS A FINE ASSET TO THE COMMUNITY, ATTENDED THE FAMILY SERVICES LUNCHEON, CONGRATULATED SEVERAL WINNERS OF FAMILY SERVICE AWARDS THAT GIVE BACK TO THE COMMUNITY
CITY ATTORNEY COOPER -	NONE
CITY MANAGER HAYES -	NONE
MAYOR AMES -	COMMENTED ON THE GIRLS HAVEN GUMBO COOK-OFF WHERE SHE WAS A JUDGE, STATED THAT THE COOK-OFF WAS A HUGE SUCCESS AND WELL ATTENDED

Public Comments (Persons are limited to three minutes)

Stacy Kaplowitz

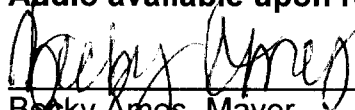
3000 Skylark Dr.

Beaumont TX

Requested that Council put a Resolution on the March 4, 2014, agenda supporting her development, Cypress Place LP that will be located on Old Dowlen Road

There being no Executive Session, Council adjourned at 2:25 p.m.

Audio available upon request in the City Clerk's Office.



Becky Ames, Mayor



Tina Broussard, City Clerk

